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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/359,265 07/22/99 WALKER

J WD2-99-055

022927
WALKER DIGITAL
FIVE HIGH RIDGE PARK
STAMFORD CT 06905

TM02/0830

EXAMINER

RIMELL, S

ART UNIT

PAPER NUMBER

2166
DATE MAILED:

08/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/359,265	Applicant(s) WALKER ET AL.	
	Examiner Sam Rimell	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 44-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27, 44-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> | 6) <input type="checkbox"/> Other: _____ |

Sam Rimell
Primary Examiner
AU 2166

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15, 18-27 and 44-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Alstrohm et al. ('357).

Alstrohm et al. discloses a method of obtaining a specified range of flexibility from a customer (FIG. 7, blocks 198-208 and blocks specifying the flexibility variables). Travel products in the form of airline flight schedules are then identified according to the variables from FIG. 7. Each flight schedule meeting the desired flexibility variables are then assigned their known price. This price is actually the base line for a score (col. 10, lines 29-31) which is adjusted according to further user criteria (FIG. 9) to establish a final score which is then ranked for each flight schedule. For purposes of clarity, this score will be further referred to as the "price/score" since it is actually a weighted adjustment to the actual published price used to rank the published prices.

The price/score may be discounted by subtracting values from it (244 in FIG. 9), adding values to it (238, 240) and multiplying values by it (238, 240, 244, 246 in FIG. 9).

The price/score then becomes proportional to the flexibility range defined by the user.

The flexibility range for the traveler is specified as a set of tolerances (FIG. 7 and 9).

The highest price score calculated is inherently the maximum value and the lowest price/score calculated is inherently the minimum value.

The flexibility range includes acceptable times and dates (198 in FIG. 7).

The flexibility range includes a desired level of service (238, 242, 244 in FIG. 9).

The flexibility range includes desired airport locations (242 in FIG. 9).

The system of Ahlstrom et al. also displays multiple itineraries and attributes a price/score to each itinerary. The system of Ahlstrom et al. is not limited to identifying a single itinerary and only attributing a price/score to the one itinerary. The purpose of the price/scores are to permit comparison between multiple itineraries to determine the best one in terms of matching user needs and lowest price.

The system of Ahlstrom et al. also considers penalties (208 in FIG. 7) when initially sorting the data, so the actual method step of applying a penalty to a customer is suggested.

The system of Ahlstrom et al. further includes a processor (22) with a memory (24) and obtains the desired flight schedules from a network connection to a database of schedules, fares and limitations (38, 40, 42).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlstrom et al. ('357).

Examiner takes Official Notice that it was well known in the art at the time of the invention to allow a passenger to obtain a voucher for a flight from an on-line transaction with an airline, in what is commonly known as an "electronic ticketing". It would have been obvious to

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one of ordinary skill in the art to modify Ahlstrom et al. to deploy the network to obtain flight data which is then used to obtain an electronic ticket, as is well known in the art.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

A handwritten signature in black ink, appearing to read 'S. Rimell', written in a cursive style.

Sam Rimell
Primary Examiner
Art Unit 2166